IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-110339
Plaintiff-Appellee,	:	TRIAL NOS. B-9902012-B B-9907300
vs.	:	
MARC E. O'BANNON,	:	*JUDGMENT ENTRY.*
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Defendant-appellant Marc E. O'Bannon presents on appeal a single assignment of error, challenging the Hamilton County Common Pleas Court's judgments granting in part and overruling in part his motions to "declare [his 1999] judgment[s of conviction] void" on the ground that he was not adequately notified concerning postrelease control. We affirm the court's judgment.

O'Bannon did not designate the statute or rule under which he sought relief. The postconviction statutes provide "the exclusive remedy by which a person may bring a collateral challenge to the validity of a conviction or sentence in a criminal case." R.C. 2953.21(J). Therefore, the common pleas court should have recast O'Bannon's motions as postconviction petitions and reviewed them under the standards provided by R.C. 2953.21 et seq. *See State v. Schlee*, 117 Ohio St.3d 153, 2008-Ohio-545, 882 N.E.2d 431, ¶ 12. But O'Bannon failed to satisfy either the time restrictions of R.C. 2953.21(A)(2) or the jurisdictional requirements of R.C. 2953.23. Therefore, R.C. 2953.21 et seq. did not confer upon the common pleas court jurisdiction to entertain the motions on their merits.

But a trial court retains jurisdiction to correct a void judgment. *See State ex rel. Cruzado v. Zaleski*, 111 Ohio St.3d 353, 2006-Ohio-5795, 856 N.E.2d 263, ¶ 18-19. And when a sentence is void for inadequate postrelease-control notification, and the matter has come to the attention of a court, either on direct appeal or in a collateral challenge, the court "cannot ignore" the matter, *State v. Boswell*, 121 Ohio St.3d 575, 2009-Ohio-1577, 906 N.E.2d 422, ¶ 12, and "the offending portion of the sentence is subject to review and correction." *State v. Fischer*, 128 Ohio St.3d 92, 2010-Ohio-6238, 942 N.E.2d 332, paragraph one of the syllabus and ¶ 27.

O'Bannon was not, as he insists, entitled to have his sentences wholly "invalidate[d]" or to a new sentencing hearing. *Fischer* at ¶ 27. He filed his motions after he had been released from prison. And the common pleas court properly "correct[ed]" for the postrelease-control deficiencies in his sentences by declaring that O'Bannon was not subject to postrelease control. *See State v. Bloome*r, 122 Ohio St.3d 200, 2009-Ohio-2462, 909 N.E.2d 1254, ¶ 70 (holding that an offender who has completed the prison term imposed in his original sentence cannot be subjected to another sentencing to correct the flawed imposition of postrelease control).

We, therefore, overrule the assignment of error and affirm the judgment of the court below.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., HENDON and **CUNNINGHAM, JJ.**

To the clerk:

Enter upon the journal of the court on February 24, 2012

per order of the court _____.

Presiding Judge